

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890
(<http://www.saw.usace.army.mil/wetlands/regtour.htm>)

Action ID No. 200400349

March 8, 2004

PUBLIC NOTICE

TRIPLE J. VENTURES L.L.C., 5095 ARENDELL STREET, MOREHEAD CITY, NORTH CAROLINA 28557, has applied for a Department of the Army (DA) permit TO VERTICALLY EXPAND THE EXISTING NON-CONFORMING STRUCTURE BY ADDING TWO MORE STORIES, ADD A COVERED ENTRANCE, CONSTRUCT A 4'X 60' DOCK, AND INSTALL AN UNCOVERED BOATLIFT IN BOGUE SOUND, AT 513 EVANS STREET ON THE WATERFRONT OF MOREHEAD CITY, CARTERET COUNTY, NORTH CAROLINA.

The purpose of the work is to improve the old "Lucky International" seafood building in order to conform with FEMA and local building codes and in doing so expand the non-conforming building vertically (to 3 floors) to make large enough to fiscally support a restaurant business.

The following description of the work is taken from data provided by the applicant and CAMA. The site is located at the old "Lucky International" seafood building at 513 Evans Street on the waterfront of the Town of Morehead City. The 59'x 91.4' single story building (5,400 square feet) is adjacent to the Morehead Channel and is considered nonconforming since the building is located waterward of the concrete bulkhead along the shoreline. The vertical expansion will take place on the existing 5,400 square feet footprint and would involve the addition of a 3,150 square feet second story and a 900 square feet third level. See the attached CAMA field investigation report, map, and plans for specifics on the proposed project (enclosed).

The applicant has determined that the proposed work is consistent with the North Carolina Coastal Zone Management Plan and has submitted this determination to the North Carolina Division of Coastal Management (NCDCM) for their review and concurrence. This proposal shall be reviewed for the applicability of other actions by North Carolina agencies such as:

- a. The issuance of a Water Quality Certification under Section 401 of the Clean Water Act by the North Carolina Division of Water Quality (NCDWQ).
- b. The issuance of a permit to dredge and/or fill under North Carolina General Statute 113-229 by the North Carolina Division of Coastal Management (NCDCM).
- c. The issuance of a permit under the North Carolina Coastal Area Management Act (CAMA) by the North Carolina Division of Coastal Management (NCDCM) or their delegates.

d. The issuance of an easement to fill or otherwise occupy State-owned submerged land under North Carolina General Statute 143-341(4), 146-6, 146-11, and 146-12 by the North Carolina Department of Administration (NCDA) and the North Carolina Council of State.

e. The approval of an Erosion and Sedimentation Control Plan by the Land Quality Section, North Carolina Division of Land Resources (NCDLR), pursuant to the State Sedimentation Pollution Control Act of 1973 (NC G.S. 113 A-50-66).

The requested Department of the Army (DA) permit will be denied if any required State or local authorization and/or certification are denied. No DA permit will be issued until a State coordinated viewpoint is received and reviewed by this agency. Recipients of this notice are encouraged to furnish comments on factors of concern represented by the above agencies directly to the respective agency, with a copy furnished to the Corps of Engineers.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The District Engineer's initial determination is that the proposed project would not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

This application is being considered pursuant to Section 10 of the Rivers and Harbor Act of 1899 (33 U.S.C. 403) and specifically its potential impacts to navigation. Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this site is not registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register is the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer, based on available information, is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The decision, whether to issue a permit, will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that may be expected to accrue from the proposal must be balanced against its foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore decided by the outcome of the

general balancing process. That decision should reflect the national concern for both protection and use of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects of it. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (according to Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer decides that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to decide whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to decide the need for a public hearing and to decide the public interest of the proposed activity.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Henry Wicker, until 4:15 p.m., April 6, 2004, or telephone (910) 251-4930.

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FIELD INVESTIGATION REPORT:
TRIPLE J VENTURES, LLC/CARTERET COUNTY
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9. NARRATIVE DESCRIPTION

Project Setting

The applicant owns the old "Lucky International" seafood building located at 513 Evans Street on the waterfront of the Town of Morehead City, Carteret County. The 59' X 91.4' single story building (5,400 ft²) is located on Morehead Channel and is considered non-conforming since it is located waterward of the concrete bulkhead along the shoreline. A 25' X 35' concrete pad/driveway connects Evans St. and the structure. A restaurant, also considered non-conforming, is located immediately east of the property while 6th Street extended (Town of Morehead City property) is located immediately to the west. An approximate 14' wide dock is located near the front of the west side of the building that eventually tapers down to a 7'-wide walkway along the rear of the building. Access stairs to the roof/second floor is located on this part of the dock and lead to the roof where an enclosed structure was previously located prior to its removal a few months ago. According to the survey, the dock and stairs appear to encroach over the Town's property line. A 13' X 70' dock spans the entire width of the waterward side of the building while a 4.5' x 20' access walkway is located near the front of the building along the east side. The site is within the corporate limits of Morehead City, is in a central business district where there is minimal undeveloped land and is served by central sewer, town water, solid waste management, and police and fire protection.

Project Description

The applicant proposes to improve the old "Lucky International" seafood building in order to conform with FEMA and local building code and in doing so expand the non-conforming building vertically (to 3 floors) to make it large enough to fiscally support a restaurant business. The vertical expansion will take place on the existing 5,400 ft² footprint and would involve the addition of a 3,150 ft² second story and a 900 ft² third level. According to the plats submitted in the application, the second level would extend 27' above the existing roof, while the peak of the roof for the third level would extend another 40' above that. The total height of the building would be 88' above the existing concrete floor. The applicant is also proposing a 28' X 36' open covered entrance along the front and a 12' X 59' awning covering the dock along the back or waterward side of the building. The applicant also proposes to install a 12' X 22' boatlift along the west side of the property by cutting into the existing dock. Finally, the applicant proposes to extend the 4.5' X 20' access along the west side of the building to the back dock by extending the access some 60'.

Anticipated Impacts

Vertical expansion of the non-conforming structure would not increase the existing footprint. However, installation of the 12'-wide awning along the back of the building over the existing dock would create additional roof/coverage over the Estuarine Waters and Public Trust Areas of Morehead Channel. The installation of the 12' X 22' uncovered boatlift along the west side of the building and the installation of the 4.5' X 60' access walkway along the east side of the building would usurp some 402 ft² of additional Estuarine Waters and Public Trust Areas.

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(although given the close proximity of the two buildings, the area is essentially removed from the public's use already). One concern is the ownership of the property to the west. It appears to be on Town property and no permission to proceed with a permit application for the lift is provided. Similarly, there is no waiver from the 15' setback for both the dock and the access boardwalk. The open but covered 1008 ft² front entrance would be located over existing concrete. Unfortunately the applicant has provided no documentation on compliance with parking, height restrictions, setback requirements, etc. for the proposed vertical expansion.

M. Ted Tyndall - Morehead City - January 26, 2004



December 12, 2003

Re: J. Fritter's
Project Narrative

To Whom It May Concern:

J. Fritter's, an up-scale restaurant and raw bar, will be housed in an improved building at 513 Evans Street, Morehead City, NC. General construction is necessary to make the building safe, large enough to fiscally support a restaurant business, and meet current building codes and standards. Normal working days and hours will be observed. The building is located completely over navigable waters and will not exceed the original footprint. Work will be done in a timely and favorable manner and will not impede any nautical or land traffic.

Special consideration is asked for (1) a covered entrance on the north side and (2) on the southern side, a retractable awning for protection from the afternoon sun. The front entrance cover would be over an existing impervious surface and the awning would be over a wood boat dock.

The building will be an enhancement for the Morehead City waterfront. The business will employ local people. We look forward to being an asset to the town of Morehead City.

Thursday, March 04, 2004

To Whom It May Concern:

513 Evans St. has an existing building. Dimensions being (99'x 58') Comprised of concrete, steel and wood. This building was over built in 1988, when Lucky International bought the old Davis Fish Market, that, existing dwelling was demolished and the now existing building stands solidly in place. The existing building, when purchased by Triple J Ventures, housed numerous refrigeration boxes as well as 20 tons of ice making equipment. The second floor, or roof top, housed an office 40x40, one 25x13 building for the ice makers. The water softener and salt was stored in a 25x 13 building also. The rest of the roof was covered with decking. Another structure on the second floor was a lighthouse standing 44' tall and 10' in diameter at the base and weighed 5 tons. After the last hurricane of the 2003 season, we (my brother and I) started repairing the building and replacing all the old, wet wood. Plans to enhance the building and try to utilize our investment meant the removal of the old rotten buildings. We then located all the questionable wood on the roof and replaced with new. We now propose to build two additional stories on top of the now existing building. The first floor will house the main kitchen, main entrance, raw bar, seating for 150 people. The proposed second floor will house a limited menu kitchen, more bathrooms, bar with outside porch. The third floor will house our office, a small outside tiki bar, an open deck area and our heating and air units. We are very excited about our new endeavor, with hopes to far exceed the expectations of the Corps of Engineers, CAMA, and the Town of Morehead City, N.C.

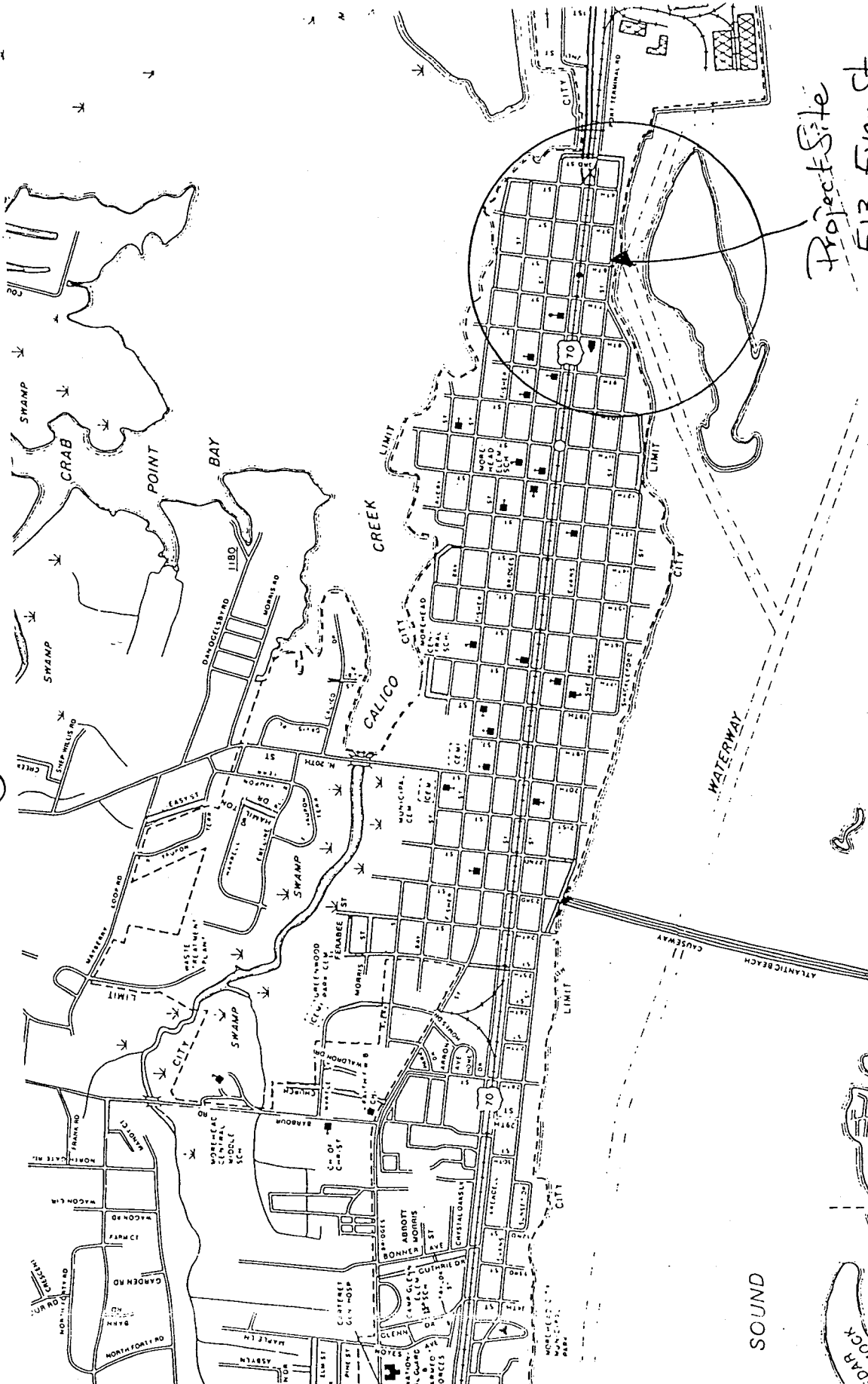
Sincerely,


John J. McCann

Triple J Ventures L.L.C.

JUN 10 5 2004

Morehead City

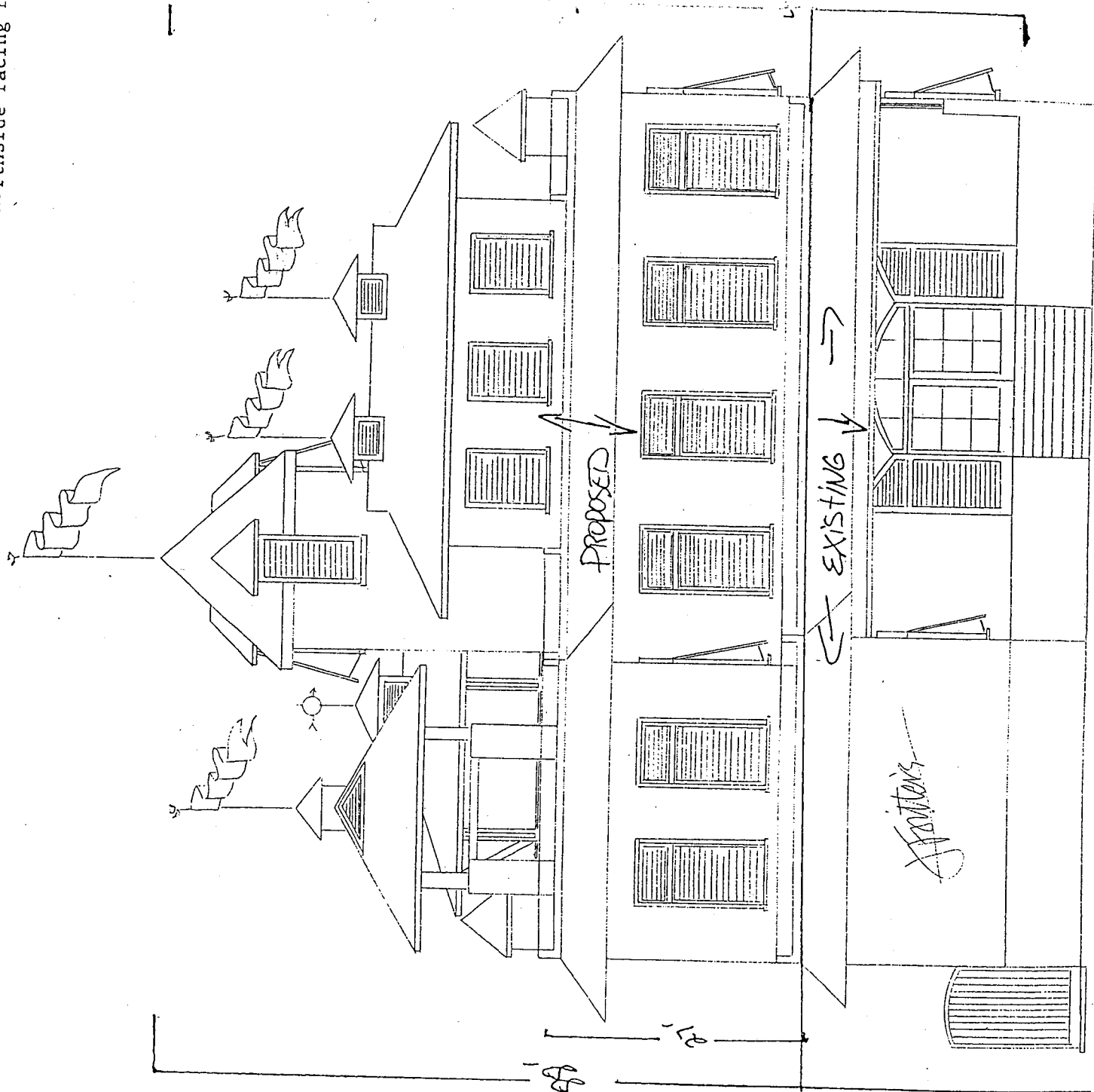


Project Site
513 Evan St.
Morehead City

J. FRITTERS
VICINITY MAP

Northside facing Evans St

JAN 05 2004

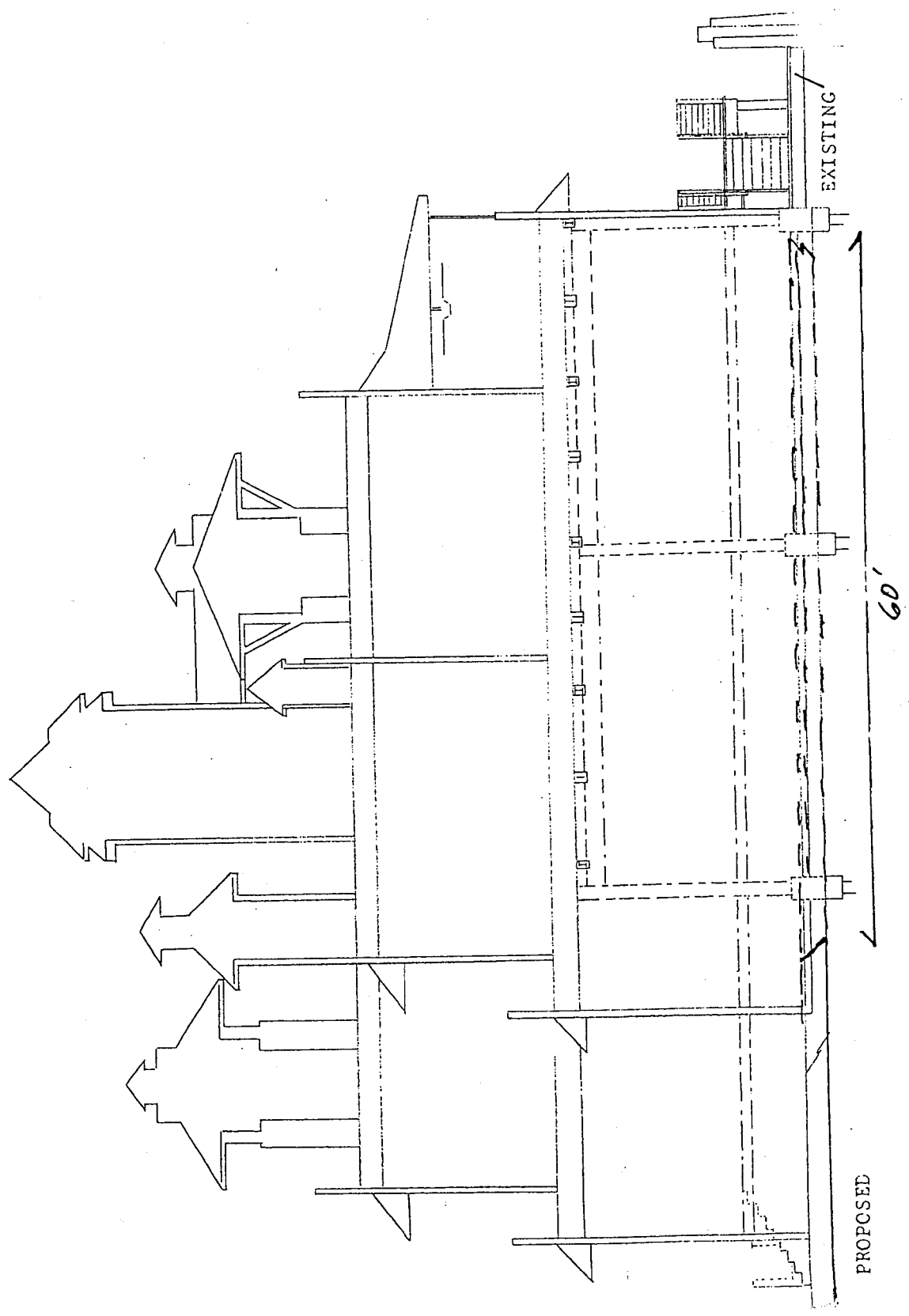


pg.1
12-12-03

East side of Buil
1"-16' scale
Proposed dock addition

JAN 08 2004

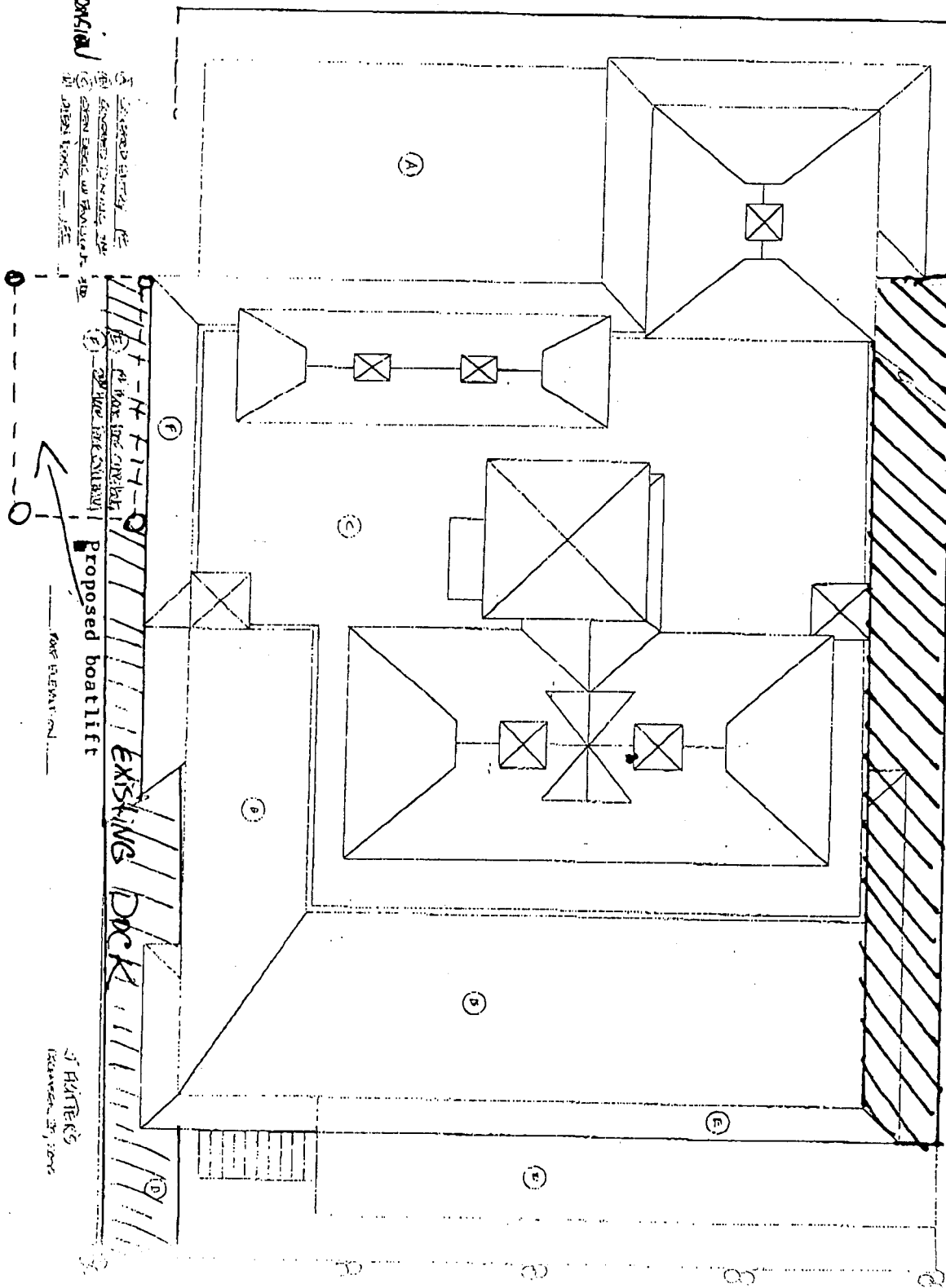
Form DCM-MP-4
Sect. A



EVANS ST

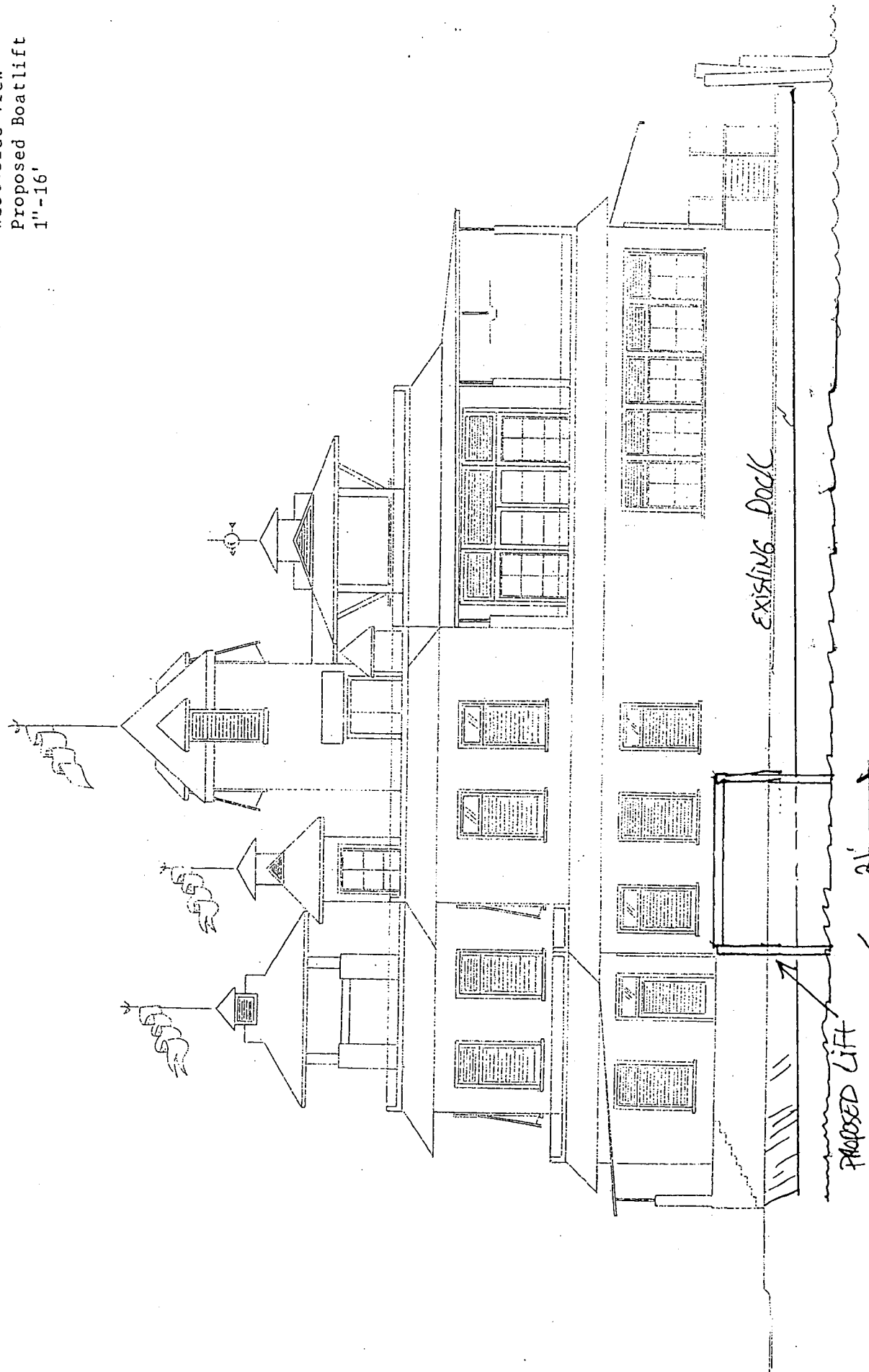
6th St. Extension

Form DCM-4
section A

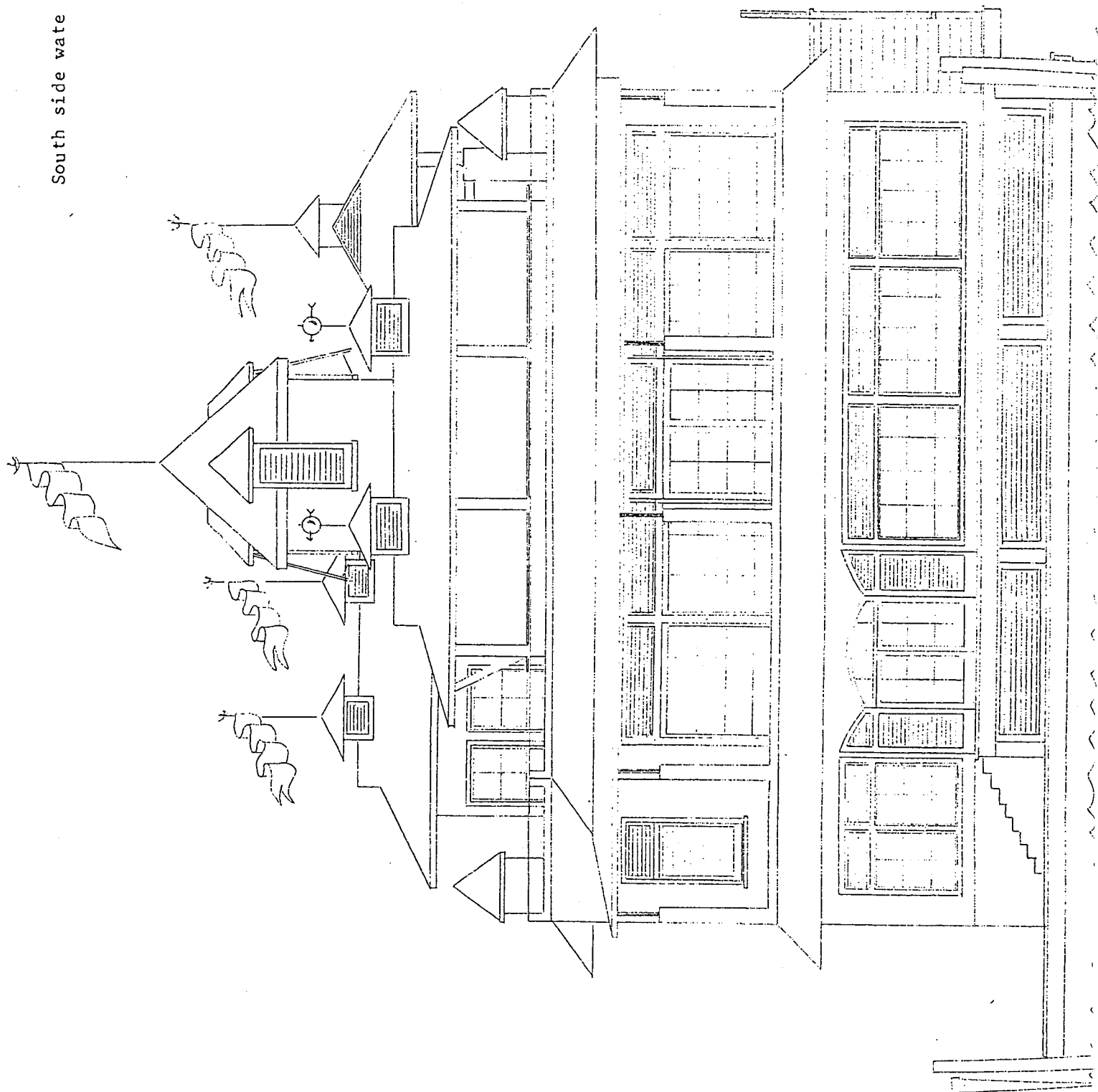


PROPOSED DOCK
* Addition
Will not require
Additional Piling

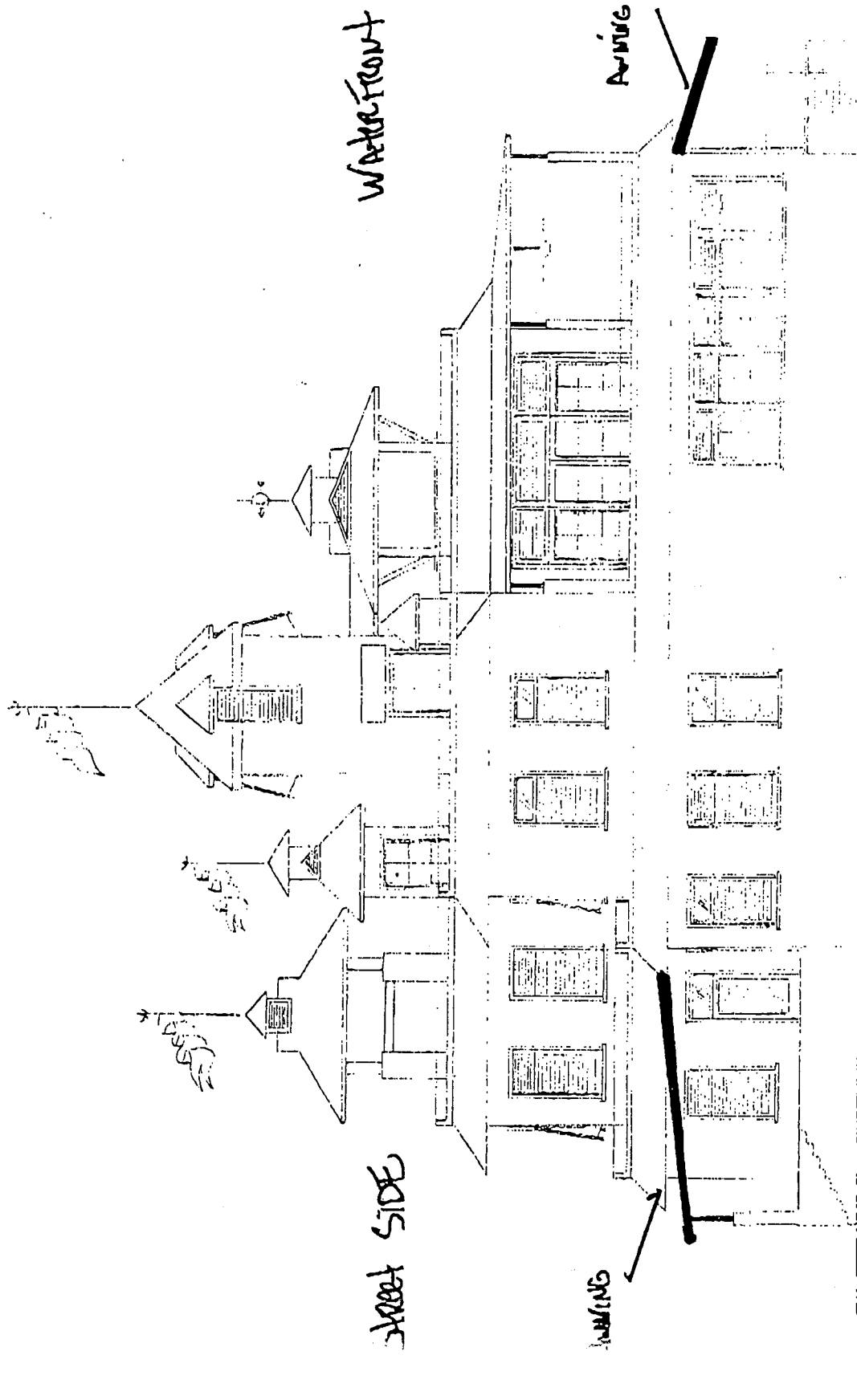
pg. 3
12-12-03
Westside of building
Proposed 2 x 11 ft
1"-16" s 1



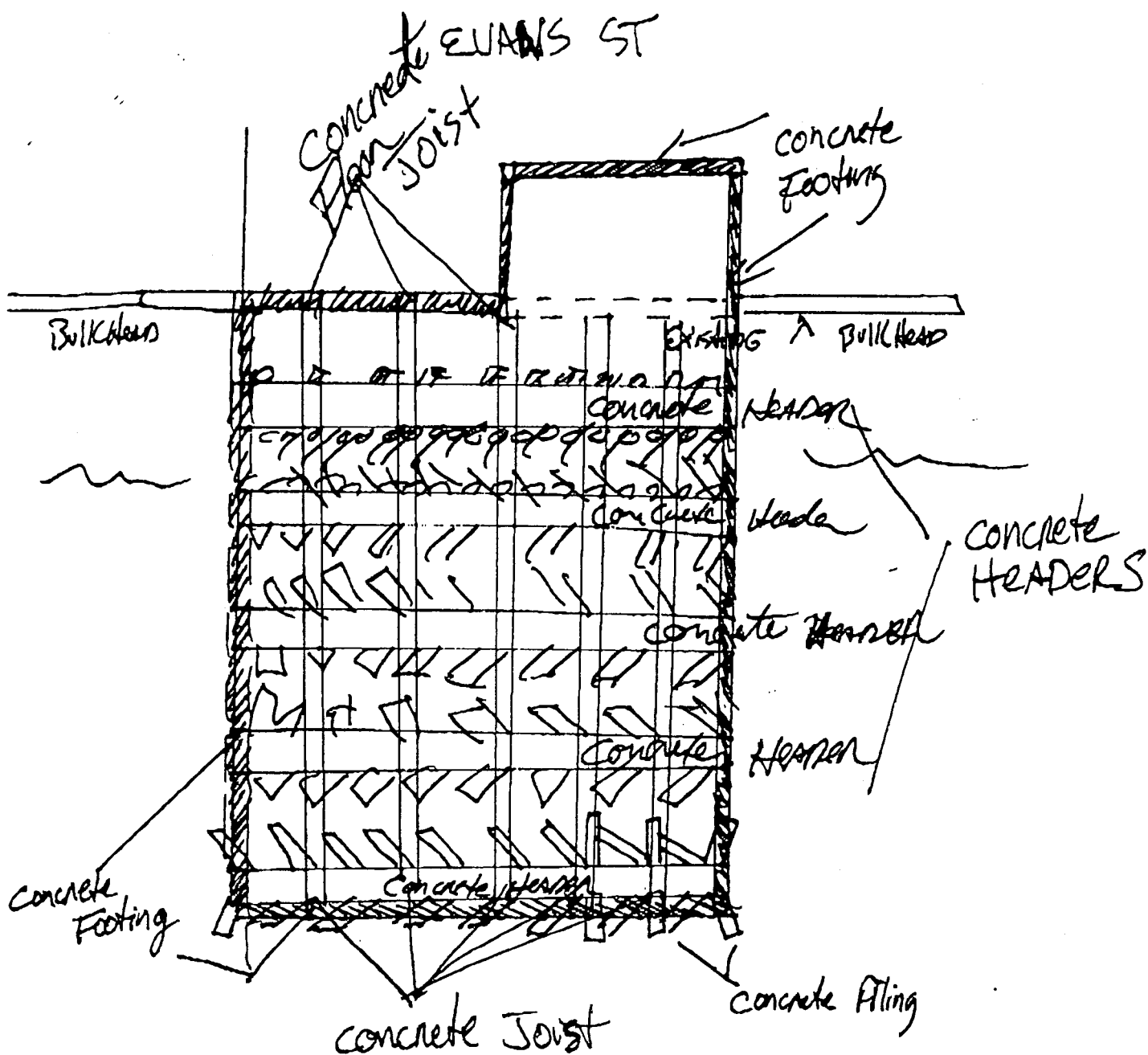
South side water front



25 200

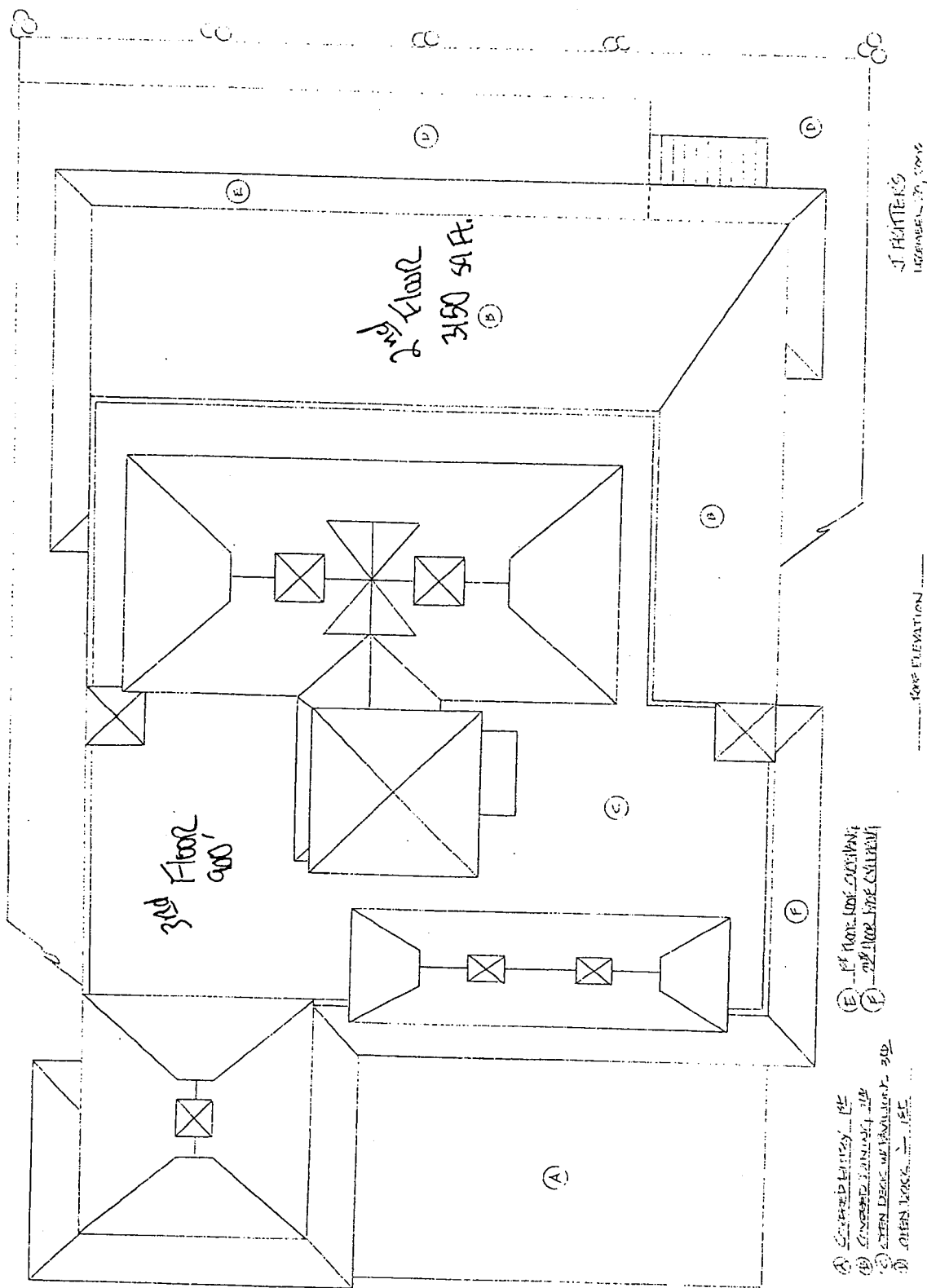


Concrete Pile System For 513 EVANS St



TOP VIEW S. FATHERS RAW BAR
SEE TABLE ↓

JAN 16 2004



(E) 1st floor level structure
(F) 2nd floor level structure

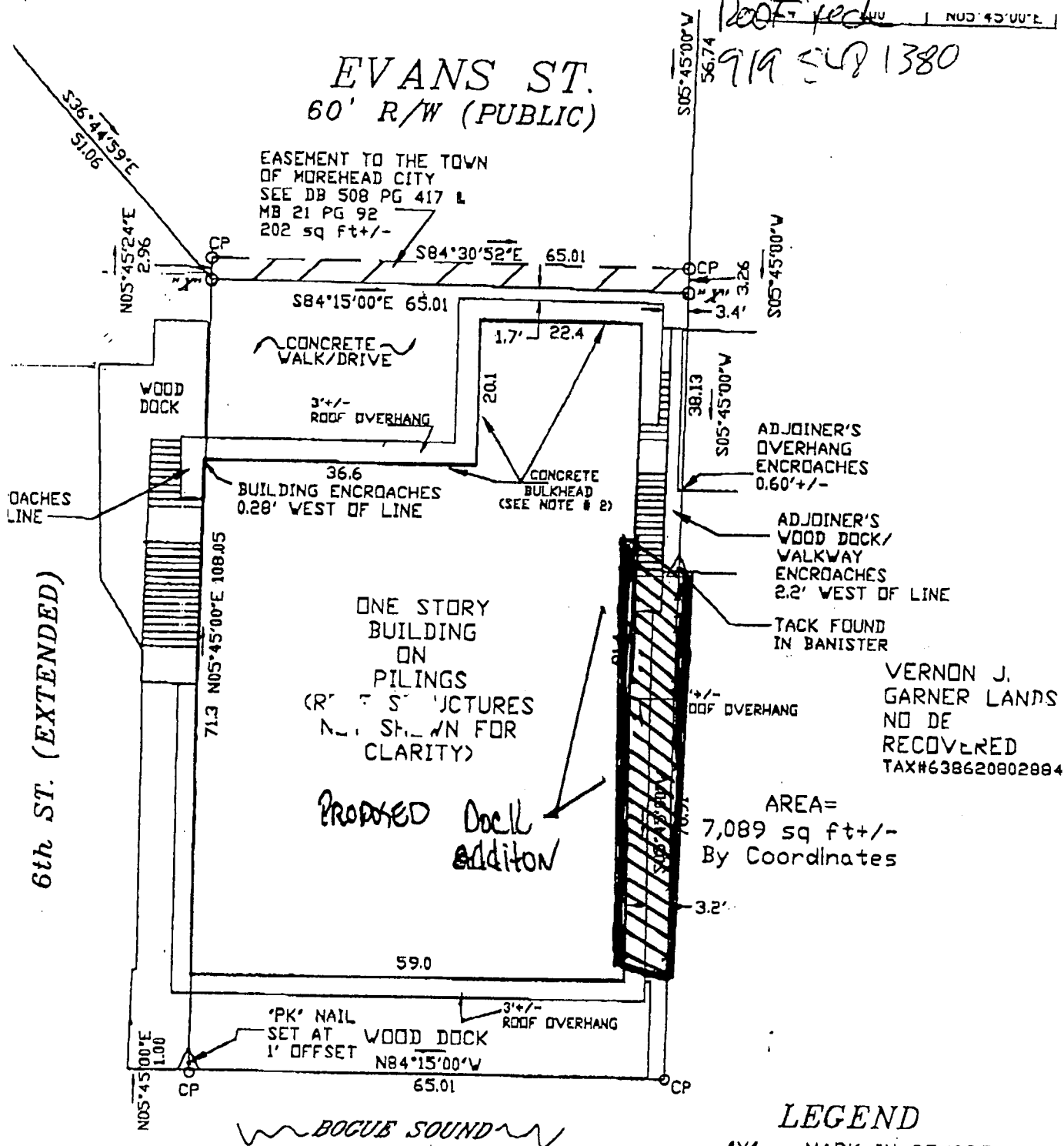
(A) CONCRETE SLAB
(B) CONCRETE SLAB
(C) STEEL DECK WITH INSULATION
(D) OPEN SPACE - SEE

RAW ELEVATION

S. FATHERS
LEGEND: 10, 100, 200

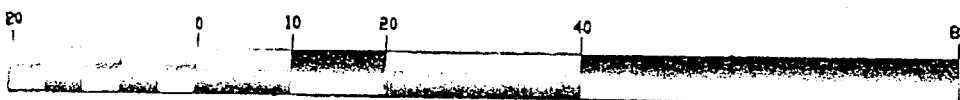
EVANS ST. 60' R/W (PUBLIC)

EASEMENT TO THE TOWN
OF MOREHEAD CITY
SEE DB 508 PG 417 L
MB 21 PG 92
202 sq ft +/-



3 AGREEMENT FOR EVANS STREET.
TERS OF BOGUE SOUND FOLLOW BULKHEAD
ILITY EASEMENTS OF RECORD IF ANY.

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft